HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Indigenous and Northern Affairs

INAN • NUMBER 116 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Friday, September 7, 2018

Chair

The Honourable MaryAnn Mihychuk

Standing Committee on Indigenous and Northern Affairs

Friday, September 7, 2018

● (1100)

[English]

The Chair (Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.)): I wish to welcome everybody to the committee. I hope you had a wonderful summer. I understand that we are here for a very important issue and have come back to Ottawa specifically for this committee hearing.

Before we start, I just want to recognize, as we always do, in a process of reconciliation and truth, that we are on the unceded territory of the Algonquin people.

I want to tell the committee that I have received four letters asking for a meeting under Standing Order 106(4) and that we have complied with the requirement to have the meeting within five days and given 48-hour notice.

I want to thank you all for coming out a bit early to discuss a very important issue.

I have a speakers list. First up is MP Cathy McLeod.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you, Madam Chair. I will have some comments and then I will be presenting a motion for consideration at the end of my comments.

We are back here and many have come back in the middle of the end of our summer break. In all the time I've been a parliamentarian, I've never felt so compelled to call an emergency meeting as I have since this issue presented itself last week. In all my years, this is the first time I felt that having an emergency meeting was so critical that we must have it and it really could not wait. I want to thank everyone for coming here today and the colleagues who felt that it was critical enough to actually write the letter to call for this emergency meeting, both the Conservatives and the NDP, to discuss the Trans Mountain expansion project.

Last week the Federal Court of Appeal found that Justin Trudeau failed to consult first nations people. On Tuesday, our colleagues in the natural resource committee asked to see Justin Trudeau's plan to get the Trans Mountain pipeline built, but he used his majority to shut down questions. The next day Justin Trudeau hid behind empty rhetoric. A government that promised to be open and transparent has continuously turned Canadians away with nothing but uncertainty, and that is why we're here today: to give Justin Trudeau and his government a chance to outline his plans to build this pipeline and get Canadians back to work.

What's more, we are here to discuss the enormous loss of opportunities for first nations if the Trudeau government fails to see this through. The Federal Court last week could not have been more clear. The Liberals failed to meet their own standards for consultations with indigenous peoples in Canada and to deliver on the process they themselves announced, and this is Justin Trudeau's personal failure. The Prime Minister and his government failed the first nations plaintiffs with botched consultations. He failed the first nations that have signed substantial benefit agreements. He has failed Albertans. He has failed British Columbians. He has failed Canadians by continuing to cost us over $40 million a day in lost revenue because we can't get our resources to tidewater.

The Canadian Chamber of Commerce said that failing to build the pipeline would send a damaging message to both domestic and foreign investors in Canada. For over a year and a half, Canadians have waited for the Prime Minister to come up with a concrete plan to ensure that this pipeline project is completed. Forty-three first nations in Alberta and in my home province of British Columbia have waited for the Prime Minister to ensure that the benefit agreements they painstakingly negotiated with Trans Mountain come to fruition. These are agreements that would have brought more than $400 million to first nations for skills training, employment, business, and procurement opportunities, as well as for badly needed improvements to local infrastructure. By failing to carry out his government's own consultation process, he has failed to deliver for first nations. The Prime Minister is responsible for lost agreements and opportunity.

On June 13 of this year Justin Trudeau proclaimed in this House of Commons that our government has "completed the deepest consultations with rights holders ever for a major project in this country." On April 30 the Minister of Natural Resources stated in question period, "we undertook the most exhaustive consultation on pipelines in Canadian history." What we actually did was add additional layers of consultation principally with indigenous communities. Yet the judge wrote in last Thursday's ruling that:

> the consultation framework selected by Canada was reasonable and sufficient. If Canada properly executed it, Canada would have discharged its duty to consult. However, based on the totality of the evidence I conclude that Canada failed in Phase III to engage, dialogue meaningfully and grapple with the concerns expressed to it in good faith by the Indigenous applicants so as to explore possible accommodation of these concerns.

Clearly there was a proper framework for consultation in place, but the Liberals botched the execution.

As Canadians have been reading for over a week now, the court squashed the Trudeau government green light to Trans Mountain and ordered it to redo its consultation.

● (1105)

The ruling specifically says:

> Only after that consultation is completed and any accommodation made can the Project be put before the Governor in Council for approval.

The Trudeau Liberals had a clear, court-mandated bar to reach, and they fell far short. The failure by the Prime Minister to get the job done has put millions in benefit agreements in jeopardy for first nations and non-first nations communities, and it now hangs in the balance.

Colleagues, I've come to Ottawa today not just as the Conservative Party shadow minister for indigenous and northern affairs, but also as the member of Parliament for Kamloops—Thompson—Cariboo. A significant portion of the pipeline is directly through the riding I represent. I am here today as the voice of my constituents, and many in British Columbia, to tell their stories to the Government of Canada and to tell their stories to the Prime Minister.

I am here to speak the words of Chief Mike LeBourdais of Whispering Pines First Nation, who said they received $300,000 annually because Trans Mountain runs directly through their land. It has run through their land for over 60 years. We have to remember that this proposal is simply an expansion of an existing line that has been there for over 60 years. The funding they received was going to double, and this was not the only benefit. You can imagine that for a small first nations community an extra $300,000 is a significant number of dollars. In 2014, his community voted unanimously in favour of a benefit agreement, which included a $5-million lump sum to be held in trust—a unanimous first nations agreement.

Allow me a few more quotes from him:

> What we looked for personally on my side and what I wanted in the agreement was the economic benefits, jobs. I wanted to put my youth and my middle class, my working class guys on the pipe, and get them out of Alberta and North Dakota where they are working.
>
> We negotiated a resolution we hoped would provide benefits to our children, grandchildren, elders and community. We provided multiple opportunities for community input during the negotiations. Our community voted unanimously in favour of the agreement at a community meeting.

Chief Ernie Crey of the Cheam First Nation has been a strong advocate. He has repeatedly stated that the community stands to lose if Trans Mountain doesn't proceed. He has said that cancellation of the Trans Mountain pipeline would cost B.C. first nations hundreds of millions in benefits, jobs, training, and employment and business opportunities.

He also said:

> What we've negotiated will be lasting training and lasting jobs and...over the entire life of what I hope will be the new pipe that will come from Alberta to tidewater in British Columbia.
>
> Already our community is alive with excitement. Every day our young people come to me and say they want to get trained, they want a job, and they want to say goodbye to welfare.... To us, it means millions of dollars [a year].

These are stories that we have not heard too frequently, and they are stories that need to be heard. These are some of the people who have been failed by the government's inability to consult properly.

I am here today because of the silence of one of Justin Trudeau's own MPs, the member for Mission—Matsqui—Fraser Canyon, where the Matsqui First Nation has also signed a negotiated benefit agreement for Trans Mountain.

I have more stories to tell, colleagues.

The agreement signed with the Simpcw First Nation in my riding will provide the Simpcw people with annual payments, employment training, business opportunities, emergency response training, equipment, and infrastructure.

The Lower Nicola Band near Merritt has bought a 51% ownership stake in the pipeline service company that provides maintenance support to Kinder Morgan. This will create up to 40 jobs in peak season for the band members—a huge boost to a community struggling with high unemployment.

Chief Casey Bird of Paul First Nation said this:

> Kinder Morgan's ongoing support of the training, employment and community benefits that come from respectful, two-way partnerships is just what is needed to move our community forward.

● (1110)

Of course, there are many first nations across B.C., as well as non-first nations communities, that were also going to look at significant benefits. Again, in the riding I represent, that's $700,000 for the community of Kamloops and $300,000 for bike and pedestrian trails and trades and technology and environmental education in Barriere, B.C. For the Thompson-Nicola Regional District, that's $845,000 for community infrastructure, parks improvement, and education funding. For Clearwater, B.C., it's $300,000 for community projects, education, and training opportunities.

Yesterday the president of the Kamloops Chamber of Commerce said that if Justin Trudeau fails to complete the Trans Mountain pipeline, the local financial impacts will be extensive. He then said:

> I was speaking with a hotelier yesterday who said what was going around the hotel industry was that 60% of the hotel rooms were going to be booked for the next two years with what Kinder Morgan's needs are going to be. [This] is quite a blow and that is just the start of it.

This past Tuesday I visited a first nations entrepreneur. He has a contract. Of course, as you dig the pipes you need to replant along the pipeline. I went to his farm. He has thousands of trees he's been growing. He timed them so that they would be at the perfect stage for when he had anticipated to be called to work to replant in terms of the recreation work along the pipeline. He is beside himself in terms of the significant dollars he has invested in his tree farm. He intended to have big opportunities in terms of replanting.

We could go on and on, from construction to camp cooks to environmental monitoring to engineering and much more. The list of those impacted is endless. It's all very well that we can sit maybe in Ontario or in other provinces. It's a little far away, and I understand that, but this is having real and important impacts on the lives of people, people like my first nations entrepreneur who in good faith has been growing these trees that would be ready for planting. This is not an insignificant decision. It is a huge and important decision. These groups have spent years of hard work negotiating agreements, and it will be nothing if we don't get this job done. We deserve a plan.

To be quite frank, yesterday the words that were coming out were more confusing than reassuring. That is not the job of government to give mixed messages throughout the day in terms of what they're doing. It is just not the job of government to do that. They need to be seen as being on the job, knowing that it's an issue, and moving on this.

Meanwhile, Chair, as the government delays and is forced to redo its own failed consultation, there's another issue that people don't talk a lot about. We have 300-plus tankers a day, and it's growing, going along the Thompson and Fraser rivers. Trains are relatively safe, but these are tanker cars. We've had massive forest fires. I don't know if you've noticed. We've had massive slides happen when it rains. In the last few weeks we've had massive road closures. It would not take much. We're heading into spawning season. We're hoping to have the best sockeye year in many years, and we have tanker cars running along where there has been burning, where there are slides.

To be frank, many of us say to put that oil in the pipeline. Not only will it be safer but there are other issues. I regularly get calls from our prairie or Saskatchewan farmers who say, "We can't get our product to market because there's no capacity on the rail lines. We can't get our product to market." Forestry companies are phoning.

Well, why can't they get their product to market? It's because the rail lines are increasingly being filled by the tanker cars. That's another issue that we don't really spend enough time thinking about. I think the number from the National Energy Board just recently was that 200,000 barrels of crude oil are transported by rail in Canada every day: 200,000 barrels. When you're waiting at a crossing, you can't get emergency services and many others through.

Pipelines are safe and efficient. I think 10 years ago no one even talked about pipelines. I talked about how one has gone through our riding for over 60 years and most people didn't even know there was a pipeline going through the riding. It was not a significant issue. They knew they filled up their gas. It came back. It was not a significant issue.

● (1115)

All of a sudden, I think, one pipeline has become the proxy for what it shouldn't be a proxy for; it is one pipeline. So what have the Liberals been doing since they approved the Trans Mountain expansion nearly two years ago? How is it that they have given no plan, no concrete next steps for building the expansion project? Why did they present no evidence to the Federal Court of Appeal of the 43 first nations that hold benefit agreements, the result of consultations that were both appropriate and thorough? There was no mention in that decision, so did the federal government not share with the courts some of the successes of their consultations process?

What exactly are the Prime Minister and the Minister of Natural Resources going to do to ensure that the pipeline expansion proceeds? During the 2015 campaign the Prime Minister said that "for Parliament to work best, its members must be free to do what they have been elected to do: represent their communities...and hold the government to account." He mandated his government to respect the work of parliamentary committees. This is the House of Commons Standing Committee on Indigenous and Northern Affairs. We have a fundamental responsibility to examine this crisis and the response of the federal government. We need to do our jobs, the jobs that Canadians sent us here to do. That is why it's important that the study happen immediately and that the minister responsible be called to appear. Justin Trudeau and his Liberal government are failing to stand up for indigenous people in Canada who saw opportunity with the Trans Mountain pipeline. It is crucial for their communities and crucial for their young people. As Chief LeBourdais of Whispering Pines recently said, if the project doesn't happen, the benefits don't flow.

I would therefore like to read and move the following motion:

> That, pursuant to Standing Order 108(2), the Committee study the federal government's actions with regards to the Trans Mountain pipeline purchase and the Trans Mountain expansion project; that six meetings be allocated for this study; that the Minister of Finance and the Minister of Natural Resources appear before the committee, for an hour each, at the first meeting of the study; that the first meeting be held no later than September 12, 2018; that the study be concluded before November 2018, that the meetings be televised; and that the committee report its findings back to the House.

Thank you, Madam Chair.

● (1120)

The Chair: Is there any discussion on the motion?

I see MP Steven Blaney.

[*Translation*]

Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC): Madam Chair, I would like to support the motion of my colleague from Kamloops—Thompson—Cariboo, because it highlights the disastrous consequences of the mess in which Justin Trudeau and his Liberals have placed not just the people of Alberta and British Columbia, but all Canadian taxpayers and the first nations. I feel that her words reflect the human drama brought on by the ineptness the Liberals have shown on this file. In my opinion, this is especially harmful to the dignity of the first nations, which is so important.

Today we are giving the Liberal government the opportunity to tell us how it intends to get us out of the mess Justin Trudeau has put us in. I hope the Liberals will be transparent in explaining to parliamentarians and to all Canadian taxpayers how they will resolve this impasse, given the difficult situation they have placed us in.

My colleague Ms. McLeod explained very well that the framework was very clear, but the Liberals completely botched the process, leaving us with the failure we now face.

Ms. McLeod's motion is excellent. We have to support Canadian workers. I hope the Liberals will give us some explanations, put forward a plan, and support this motion, which calls on them to be accountable to the people we represent and who deserve those explanations.

Thank you.

[*English*]

The Chair: MP Rachel Blaney.

Ms. Rachel Blaney (North Island—Powell River, NDP): I want to take this opportunity to thank all the members who are here today and the staff who are here to support us. Also, I thank you, Madam Chair, and the clerk for making sure that the response to this request happened so rapidly.

Finally, I would like to thank MP McLeod for her motion.

The request was urgent and it's a very important one. I'm here to speak in support of this motion.

In our last session, my colleague Mr. Saganash had his Bill C-262 pass in the House of Commons. This bill really provides the understanding that moving forward we need to have a framework for all legislation and that the action coming from that legislation must be in accordance with the UN Declaration on the Rights of Indigenous Peoples. That bill was an important one and one that many Canadians are wondering if this government will actually ever put into practice.

The Federal Court of Appeal's decision has brought to the forefront what indigenous communities and the NDP have been saying: the consultation for the Trans Mountain expansion has not been done properly. Sadly, this was a major factor in the last election. People were voicing their serious concerns that the then Conservative government was not addressing the real environmental impacts; nor were they consulting meaningfully with indigenous communities. Their failed process was again revealed in the Northern Gateway decision.

I am speaking on this motion.

Both the NDP and the Liberals ran on a message of addressing the environmental issues and creating a new process that this project, the Trans Mountain pipeline expansion, would go through. This was a direct promise from Prime Minister Trudeau. The Federal Court of Appeal decision is now another fact on a long list of broken promises that this government has had.

I hope the people in this room have read the decision, or, at the very least, closely reviewed the clear indications of the poor consultation process with indigenous communities. This report outlines the reality that the consultation process with indigenous communities was simply bureaucrats going out to listen to concerns and relay those concerns back to cabinet. The decision confirms very clearly that good faith is required on both sides in the consultation process. It is not good faith to send note-takers. The decision was very clear that the phase III consultation process was unacceptably flawed.

To quote directly:

> To summarize my reasons for this conclusion, Canada was required to do more than receive and understand the concerns of the Indigenous applicants. Canada was required to engage in a considered, meaningful two-way dialogue. Canada's ability to do so was constrained by the manner in which its representatives on the Crown consultation team implemented their mandate. For the most part, Canada's representatives limited their mandate to listening to and recording the concerns of the Indigenous applicants and then transmitting those concerns to the decision-makers.
>
> On the whole, the record does not disclose responsive, considered and meaningful dialogue coming back from Canada in response to the concerns expressed by the Indigenous applicants.

Simply put, they were note-takers. There was no attempt to take and address the concerns. In fact, the crown consultation team and the government mistakenly thought that they could not add any more conditions to Kinder Morgan than the NEB had done. In this context, many, including me, ask why we would bother consulting anyway. Where is the commitment to the government's constitutional duty to address indigenous rights? Where is this government's commitment to dedicating itself to what it claims is the government's most important relationship? To be clear, there is a constitutional duty to consult with indigenous communities. This was not clearly recognized and the process was fundamentally flawed due to this. Canada may disagree and want to see it differently but the decision says this very frankly.

While Canada submits that the members of the crown consultation team were not mere note-takers, the preponderance of evidence is to the effect that the members of the crown consultation team acted on that basis alone. For the most part, their role was that of note-takers who were accurately reporting the concerns of the indigenous applicants to the decision-makers.

Too many times I've heard from indigenous leaders in my riding and across the country that they are tired of talking to people who are not decision-makers.

● (1125)

Simply put, this is not consultation, as the decision explains:

> The Indigenous applicants were entitled to a dialogue that demonstrated that Canada not only heard but also gave serious consideration to the specific and real concerns the Indigenous applicants put to Canada, gave serious consideration to proposed accommodation measures, and explained how the concerns of the Indigenous applicants impacted Canada's decision to approve the Project.

We have heard repeatedly from indigenous communities that there is no serious consideration of their concerns. That is why we are here today. It's because this government's promise of meaningful consultation has been proven repeatedly to be a broken promise.

Whenever I contemplate consultation, I think of free, prior, and informed consent. Grand Chief Ed John said it best to this committee not too long ago. Speaking to the UN Declaration on the Rights of Indigenous Peoples, he said:

> I think there's a misconstruction of the concept of free, prior, and informed consent....Consent at the end of the day is a decision that's made after a process, so governments go through a process to come to some decision. First nations' governments are in that same place. First nations' governments will look at information ahead of time. They should be free from any coercion. It should be prior to decisions being made. There should be extensive consideration. It may require an environmental assessment process or some other process that would help inform the decision-making process.
>
> Free, prior, and informed consent essentially, at its core, is about governments making decisions. When the Province of British Columbia, the provinces, the national government, the territorial governments, or municipal governments are making decisions, that's what they're doing.

The fact is that this committee has a duty to have a robust study on why the consultation process was so flawed. What are the barriers that seem to hinder both Conservative and Liberal governments to meaningfully consult with indigenous communities? Canadians want certainty. They want respectful relationships to be built. Indigenous communities want to be respectfully treated and for their rights and opportunities to be as important as all Canadians'.

The decision outlines some very specific examples of the lack of this consultation process happening. Coldwater, for one, wanted the pipeline to take an alternate route that would avoid their aquifer. That is a significant concern for their community, and really, it would be for any community in Canada.

I will read directly from the report:

> After Coldwater expressed its strong preference for the West Alternative Canada's representatives responded that:
>
> > [t]his issue is one which is very detailed, and will need to be recorded carefully and accurately in the Crown consultation Report. The Crown consultation report can highlight that project routing is a central issue for Coldwater.
>
> At a consultation meeting held on October 7, 2016, again in the context of discussions about Coldwater's aquifer, one of Canada's representatives:
>
> > ...acknowledged that the aquifer hasn't been fully explored, but explained that the [Board] process has analysed the Project and that the Crown will not be taking an independent analysis beyond that....The Crown (federally and provincially) will not undertake an independent analysis of potential corridor routes. That said, the Crown will take Coldwater's concerns back to decision makers.
> >
> > ...
> >
> > Coldwater asked what the point of consultation was if all that was coming from the Crown was a summary report to the [Governor in Council].
>
> In the later stages of the meeting during a discussion...Coldwater stated that based on the discussion with the Crown to date it did not seem likely that there would be a re-analysis of the West Alternative or any of the additional analysis Coldwater had asked for. Canada's representatives responded that:
>
> > [The Crown's] position is that the detailed route hearing process and Condition 39 provide avenues to consider alternative routes, however the Crown is not currently considering alternative routes because the [Board] concluded that the applied for pipeline corridor is satisfactory. The Crown will ensure that Coldwater's concerns about the route are provided to the Cabinet, it will then be up to Cabinet to decide if those concerns warrant reconsideration of the current route.

The Stó:lo Nation reached out to the Minister of Natural Resources about the crown consultation report to share their concern that the Canadian representative left them to believe that the report to the Governor in Council "will be a summary" of what is being heard during its consultations with aboriginal people "with some commentary".

● (1130)

It states:

> The Stó:lo went on to observe that "[a] high level of consultation means more than simply gathering information on aboriginal interests, cross checking those with the Terms and Conditions of the project and reporting those findings to the federal decision-maker." And that "[a] simple 'what we heard' report is inadequate to this task and the Governor-in-Council must be aware of its obligation to either reject or make changes to the project to protect and preserve the aboriginal rights, title and interests of the Stó:lo Collective."

This statement clearly indicates the reality that a meaningful consultation process was not happening. Not only that, but the minister was clearly made aware of the process and the reality that it was not working. May I remind this committee of how many other cases this decision mentions and refers to. This is the legal system of Canada, which has outlined repeatedly the court decisions of this land on the process of consultation with indigenous communities. Canadians deserve to know why this has not been reviewed by this government and why we are here again.

The Upper Nicola's legal counsel clearly rang the bell on May 3, 2016, in a meeting:

> Upper Nicola's legal counsel responded that "the old consultation paradigm, where the Crown's officials meets with Aboriginal groups to hear from them their perspectives and then to report this information to decision makers, is no longer valid."

The Government of Canada cannot say they are surprised to be here. It is very clear from these examples, from the continuous engagement of multiple indigenous communities providing clear feedback, that this consultation process was not a consultation at all.

Another example comes from Mr. George, director of the Tsleil-Waututh treaty, lands, and resources department:

> He affirmed that at a meeting held with representatives of Canada on October 21, 2016, to discuss Tsleil-Waututh's view that the Board's process was flawed such that the Governor in Council could not rely on its report and recommendations:
>
> > Canada expressed that it was extremely reluctant to discuss the fundamental flaws that [Tsleil-Waututh] alleged were present in relation to the [Board] process, and even prior to the meeting suggested that we might simply need to "agree to disagree" on all of those issues. In our view Canada had already determined that it was not willing to take any steps to address the issues that [Tsleil-Waututh] identified and submitted constituted deficiencies in the [Board] process....

These are very good examples of why this process needs to be studied in this place. In fact, it could not be clearer, as the decision says:

> Meaningful dialogue required someone representing Canada empowered to do more than take notes—someone able to respond meaningfully to the applicants' concerns at some point in time.
>
> The exchanges with the applicants demonstrate that this was missing from the consultation process. The exchanges show little to facilitate consultation and show how the Phase III consultation fell short of the mark.

Madam Chair, let me confirm that these are just a few of the examples from the substantial decision. It makes it clear that the consultation process was not considered thoughtfully and was rushed.

After the report came out, I was disappointed to hear the Prime Minister and the Minister of Finance continue with their lines. The Prime Minister in a radio interview downplayed the idea of appealing the important decision that has been brought before us here today. He said, "The court was very clear: You need to do more on the environment. You need to do more on consultations, if anything is...to happen, so that's what we are going to do." Soon after, when asked about the appeal again, he said, "We are looking at what an appeal would look like [and] what it would mean."

Which one is it? Indigenous communities deserve to know. When any Canadian hears or reads these examples of consultation, I believe they will see how empty this government's promises are. Who would not be frustrated in that seat to hear repeatedly that we will take your concerns to decision-makers, but no one will really talk to you about any accommodations or have any meaningful discussion about why it might be important to protect your rights—for example, your water supply?

● (1135)

Now Canadians are going to own the Trans Mountain pipeline. In fact, right after the decision came out, over 99% of the shareholders of Kinder Morgan voted "yes" to sell to Canada. Of course they did. They saw this decision and they are receiving more money than the pipeline is worth. Many Canadians and many indigenous communities are wondering when their vote will happen.

What does the finance minister say? I quote:

> As we move ahead with the project and the purchase, our government remains committed to ensuring the project proceeds in a manner that protects the public interest. That means ensuring the highest level over governance — including environmental protection. It means upholding our commitments with Indigenous peoples and it means responsibly protecting Canada's and Canadians' investment.

How do indigenous communities have any faith in a consultation process with this government owning and clearly stating that this project has only one outcome? How can Canadians have any faith that the environment and the relationship with indigenous people will be done well after looking at this report? How do they have faith in a government that buys a pipeline and leaves the taxpayer on the hook? The government knows what proper consultation is. There are many examples of successful consultation in this country. It does require that the government do the work. What it means is that the government must have a two-way exchange, a real discussion, not just a place for indigenous communities to let off steam but to be part of a process in a meaningful way.

I am hoping to not have this happen but I am expecting to have to listen to the Liberals speak now and blame the Conservatives. I agree with them. The Conservative process was very flawed. We saw what the results were during their time in government. However, once the Trudeau government was elected, it was this Prime Minister and this government who moved forward with the same flawed process, resulting in the decision I have before me.

Now there is $4.5 billion invested in a project that the Federal Court of Appeal has stopped. In no way does a climate change leader invest this type of money in an old pipeline. In no way does a Prime Minister believe the most important relationship is with the indigenous people of Canada when the consultation process is so completely flawed.

I live on the Salish Sea. It is my home and I am very proud of the beauty of it. It provides for many of the communities I serve: with jobs, recreation, sustenance, and obviously, complete wonder. I serve that region and I'm mystified by the lack of understanding that this government has for the need to protect it. I think it is important to also address the fact that the Conservatives like to throw out the word "veto" when talking about indigenous consultation. This is a non-starter that shuts down discussion about consultation and brings fear of indigenous communities participating fully within Canada. It is not about veto. Like Grand Chief John said in the quote I mentioned above, it is about being an active part of the process and being a part of the decision-making.

I will support the Conservative motion, although I do have my own motion that I'm hoping will help us along this journey because I feel that in this committee what we really need to be focusing on is the process of consultation that's happening in this country. It is time that this committee be strong and recognize that we can do a study that will provide some real direction for the future of this country.

I hope that all the people at this table would agree that it is certainly time for this issue to be moved into a reality that benefits everyone in this country. Indigenous communities have simply waited much too long.

Thank you, Madam Chair.

● (1140)

The Chair: Thank you.

Next, I have MP Kevin Waugh.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you, Madam Chair. I first want to thank the clerk and his staff for convening the emergency meeting here today in Ottawa. I support our Conservative motion to get answers from the government on this crisis.

Let me start by saying that last week's decision by the Federal Court of Appeal to halt construction on the Trans Mountain pipeline project has sent shock waves throughout not only western Canada but this entire nation. Since that decision a little over a week ago, I would like to point out, Crescent Point Energy has slashed 17% of its workforce, including many indigenous workers.

I would like to point out that Suncor has announced that it will not start its scheduled expansion projects without clarity on pipelines. Needless to say, we have a crisis of confidence in this country and that says the CEO of Suncor and thousands and thousands of jobs in this country have been lost not only in Alberta and B.C. but throughout this country. It is this government's failure that has brought us here this morning to talk about the crisis. In May this government spent $4.5 billion buying an existing pipeline and they have committed between $7 billion and $9 billion more dollars on the expansion. This is taxpayers' money. This government should have done their homework, but we know they did not. There was no plan, only lip service to Canadians.

Let me say this. EVRAZ is a steel company in my province, Saskatchewan. They're headquartered in Regina. Over 10% of their workforce is indigenous. They were ready to supply the pipeline for this project. On Wednesday we had a meeting with them. There is great uncertainty in this community. In fact, I spoke with Mike Day, the president of the United Steelworkers, who said this has far-reaching effects not only in the city of Regina where EVRAZ is located, but all over Saskatchewan.

Well, Mike, I have news for you: this is bigger than this. This is major news in the country of Canada. This Liberal government has clearly failed all Canadians who were counting on employment and the prosperity that flows from this industry. It is the duty of this government to have a plan and regard for the purchase of their Trans Mountain pipeline, which they purchased in May.

Let me say this—and let's be clear—to the managers. The managers in this case are the government. The shareholders, Canadians, want a meeting. Canadians want to see a plan. Where is the plan? In the absence of a plan, we are left with major uncertainty in western Canada; lost opportunities; lack of investor confidence, which I talked about already, in the market; and a hefty tab for all Canadian taxpayers on top of an already mounting debt.

There was $4.5 billion committed in May, and $7 billion to $9 billion more, if not more, committed for the expansion if it ever happens. It is because of the mistakes and the incompetence of this Liberal government on this project that Conservatives are requesting this study here today. We support Canadians, Canadian workers, and Canadian jobs. Canadians have a right to know how Justin Trudeau, how Bill Morneau, and how the new minister, Amarjeet Sohi—from Alberta, I might add—plan to ensure the completion of this project and to know what the timeline is. Where are the shovels? When will they hit the dirt? When will construction begin? That is what workers, the hard-working men and women of this country, are asking today. When will we know that we have a future in this pipeline? When can we support our families? When can we support our communities?

Is that too much for them to ask here today? We're representing those people from coast to coast. Yes, I'm from Saskatchewan—I just told you about those in Regina—but western Canada right now is suffering.

● (1145)

This project has to go forward. That's why a comprehensive committee explanation is warranted. We want to get the answers. Let's face it: Canadians deserve an explanation. As I said, you're the managers—you bought the pipeline. You're the government; we're the shareholders, all Canadians. We want a meeting. Canadians want to see a plan. You have spent $4.5 billion. You have committed up to $9 billion more on the expansion. We deserve the plan.

Thank you very much, Madam Chair.

The Chair: Thank you.

Is there any further discussion?

I have Mike Bossio as the next speaker.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Madam Chair, I would just like a point of clarification from Ms. Blaney.

There are two motions, one put forward by Cathy and one put forward by you. In your submission, it wasn't totally clear. Are you still going to be putting forward your motion, or are you now going to be supporting the Conservative motion and not putting forward your motion?

Ms. Rachel Blaney: I will be supporting their motion, but I will be putting forward my motion as well.

The Chair: Is there any further discussion?

I call for the vote.

Mrs. Cathy McLeod: Can we have a recorded vote?

(Motion negatived: nays 5; yeas 4)

The Chair: I understand, Ms. Blaney, that you have another motion. Would you like to proceed?

Ms. Rachel Blaney: Thank you, Madam Chair. I'm happy to speak again.

Can I just say, first of all, before I start, how sad I am to hear no response from the other side of the table. This is an incredibly meaningful discussion and I certainly hope to hear some response soon.

The reality is that we are here today because indigenous communities have been looking for serious consultation since contact. Again, we have before us another decision from the Federal Court of Appeal that lets us know that this process is still not happening. I think it's time that we be honest that we need to get on it. The Government of Canada needs to get it right and it's about time to get it right. In this decision, and frankly in many decisions prior to this decision, the way forward is made very clear.

The consultation process is flawed. The decision has told us clearly why it is flawed and this is an opportunity for us to have a meaningful discussion around this table and to report back to Canadians on where it was flawed and where we can move forward in a positive way.

My son just started university this September. I brought him to the university that he will going to, UNBC, which is in Prince George. When I was there the air was so thick with smoke that it was hard to breathe. There was ash covering my vehicle when I got up in the morning and I felt like a very bad parent to be leaving my son in those conditions. Then I went to visit my aunties who live on reserve right outside of Fraser Lake, in Stellat'en First Nation. As I was standing on their porch I could look one way and see a forest fire and then turn around and look the opposite way and see another forest fire. It's absolutely terrifying, the realities that communities are facing in that part of the world.

When I look at the Trans Mountain expansion and when I look at the serious concerns brought forward in this decision and when I think about standing in that environment where the air was literally thick with ash, I think it's important that Canada ask itself how we are moving forward as an environmental leader and how we are moving forward as a country that should be, but still is not, a leader in consultations with indigenous communities.

I hope to see some honesty here today. I hope that we as a committee will be dutiful in our role to examine how we can do a better job in the future and that this can be a place of transformation for our country.

● (1150)

If you would indulge me, Madam Chair, today is also the birthday of my sister, Mary. I would like to say I'm sad I'm not with her. Instead I'm here on this day.

In saying that, I would like to move my motion:

> That, pursuant to Standing Order 108(2), the Standing Committee on Indigenous and Northern Affairs study the efficacy of the federal government's fulfillment of the duty to consult Indigenous peoples with respect to the Trans Mountain pipeline purchase and the Trans Mountain expansion project; that eight meetings be allocated for this study; that the Minister of Finance and the Minister of Crown-Indigenous Relations and Northern Affairs appear before the committee, for an hour each, at the first meeting of the study; that the first meeting be held no later than September 18, 2018; that travel be included and that the Committee hear from First Nations communities; that the meetings be televised; and that the committee report its findings back to the House.

Thank you.

The Chair: Thank you, MP Blaney.

We are now open to discussion and further comment on the motion.

MP Mike Bossio.

Mr. Mike Bossio: Thank you, Ms. Blaney, for your motion.

The Trans Mountain expansion project is an investment in Canada's future. Our government continues to have every confidence in the project. We have received the ruling from the Federal Court of Appeal and are taking the appropriate time to review the decision and assess the next steps.

Our government inherited a flawed environmental review process from the previous Conservative government and made efforts to improve it, something that the court acknowledged in its ruling. We are now carefully reviewing the court's decision to ensure that, as we move forward, we meet the high standards that Canadians expect when it comes to both protecting the environment and meeting our obligations to consult with indigenous peoples. While purchasing the project was not our first choice, it was the right choice to protect thousands of jobs, and as owners we will ensure that the project moves forward in the right way.

Seeing that there was a significant discussion around Ms. McLeod's motion, I would move that we go to the vote if everyone is okay with that.

The Chair: Is there any further discussion?

We'll have a recorded vote.

(Motion negatived: nays 8; yeas 1)

The Chair: Thank you. That concludes the business of the committee.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: http://www.ourcommons.ca

Publié en conformité de l'autorité du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : http://www.noscommunes.ca